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16 *Counsel for the Utilities*

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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON**

12 JAMON RIVERA, an individual;  
13 INLAND NW AGC, a membership  
14 organization; SPOKANE HOME  
15 BUILDER'S ASSOCIATION, a  
16 nonprofit corporation;  
17 WASHINGTON STATE  
18 ASSOCIATION OF UA PLUMBERS,  
19 PIPEFITTERS AND HVAC/R  
20 SERVICE TECHNICIANS, a labor  
organization; CONDRON HOMES  
LLC, a limited liability company;  
PARAS HOMES LLC, a limited  
liability company; GARCO  
CONSTRUCTION INC., a for-profit  
corporation, NATIONAL PROPANE  
GAS ASSOCIATION, a national trade  
association, CITIZEN ACTION  
DEFENSE FUND, a nonprofit  
corporation; AVISTA  
CORPORATION; CASCADE  
NATURAL GAS CORPORATION;  
AND NORTHWEST NATURAL  
GAS COMPANY,

No. 1:23-cv-03070-SAB

**DECLARATION OF GRANT  
FORSYTH**

1 Plaintiffs,

2 v.

3 WASHINGTON STATE BUILDING  
CODE COUNCIL,

4 Defendant.

**Declaration of Grant Forsyth**

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2 1. I am the Senior Forecaster and Economist for Avista Corporation, d/b/a Avista  
3 Utilities ("Avista").

4 2. I have personal knowledge of the facts set, below, and I am competent to  
5 testify herein.

6 3. Sections C403.1.4, C404.2.1, Table C407.2, C502.2.4, C502.2.5, C503.4.6,  
7 C503.5, R403.5.7, R403.13, Table R405.2(1), R503.1.2, R503.1.3, R502.3.2, and  
8 R502.3.3 ("Appliance Restrictions") of the Washington State Energy Code ban in  
9 many instances gas space and water heating appliances in residential and  
10 commercial buildings As further explained in this declaration, these Appliance  
11 Restrictions have caused, and will continue to cause, Avista significant, irreparable  
12 harm.

13 4. Previously, in 2020-2022, Avista added 6,811 new natural gas customers to  
14 its customer base in Washington.

15 5. As a result of the Appliance Restrictions, Avista projects that it will face a  
16 significant decline in its customer growth levels, as the Appliance Restrictions  
17 permanently cap Avista's future customer growth. On the residential and  
18 commercial sides combined, Avista projects that the Appliance Restrictions will  
19 cause a loss of 13,458 customers it would otherwise have between 2024-2030. After  
20

2024, Avista projects that Washington gas customer growth will reduce to a small fraction of new customers. The chart below details these projections:

**Quantifying Projected Lost Gas Meters**

<b>Washington</b>	<b>7 Year Total (2024-2030)</b>	<b>7 Year Average (2024-2030)</b>
<b>Residential</b>	12,593	1,799
<b>Commercial</b>	865	124
<b>Total</b>	13,458	1,923

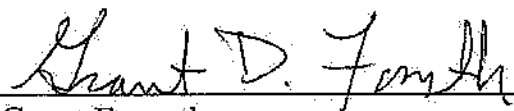
6. On the residential side, without the Appliance Restrictions, Avista forecasts it would have approximately 13,352 new residential customers between 2024-2030. With the Appliance Restrictions, it is reasonable to assume that Avista will only supply natural gas to a small fraction of new customers, namely those who want gas amenities not banned by the Washington State Energy Code, such as fireplaces and stoves. Avista projects it would lose approximately 12,593 residential customers over this seven-year period as a result of the Appliance Restrictions.

7. On the commercial side, without the Appliance Restrictions, Avista forecasts it would have approximately 917 new commercial customers between 2024-2030. Avista projects it would lose approximately 865 commercial customers over this seven-year period as a result of the Appliance Restrictions.

8. These negative impacts of the Appliance Restrictions pose significant harm to Avista.

9. I declare, under penalty of perjury, that the foregoing is true and correct.

1 Executed on June 1, 2023:

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4 Grant Forsyth

5 Senior Forecaster and Economist

6 Avista Corporation, d/b/a Avista Utilities